



Attorney's Docket No. 8194-205

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Bottomley

Group Art Unit: 2634

Serial No.: 09/204,734

Examiner: C. Fan

Filed: December 3, 1998

Confirmation No.: 5861

For: DIGITAL RECEIVERS AND RECEIVING METHODS THAT SCALE FOR
RELATIVE STRENGTHS OF TRAFFIC AND PILOT CHANNELS DURING
SOFT HANDOFF

November 24, 2003

AF/2700
#18
Reply Brief
12-8-03
RECEIVED
DEC 01 2003
Technology Center 2600

MS After Final
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPELLANT'S REPLY BRIEF ON APPEAL
UNDER 37 C.F.R. §1.193(b)(1)

Sir:

This Reply Brief is filed, in triplicate, to respond to issues raised by the Examiner's Answer mailed September 24, 2003. Appellant submits that, for at least the reasons discussed in Appellant's Appeal Brief mailed April 3, 2003 and Appellant's clarifications provided below, the pending claims are not anticipated by United States Patent No. 5,812,542 to Bruckert et al. ("Bruckert"). Appellant incorporates each of the arguments and positions from the Appeal Brief in the present Reply Brief as if set forth fully herein. In the interests of brevity, these arguments and positions will not be reproduced below.

I. STATUS OF CLAIMS

The Examiner's Answer correctly states the status of the claims. Appellant notes that the Appellant's Brief recited the status of the claims as they are apparently erroneously indicated in the Advisory Action mailed January 13, 2003.

II. CLAIMS 1, 5, 7-9, 12, 15, 16, 18-20, 23, 27, AND 29-31 ARE PATENTABLE OVER BRUCKERT

The Examiner's Answer erroneously characterizes the description of Bruckert as:

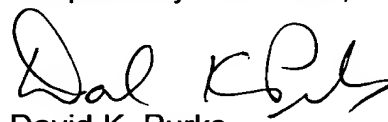
Furthermore, Bruckert does teach that the pilot despread values are scaled before channel responses are estimated from the scaled pilot despread values. Bruckert teaches that (see col. 9, lines 41-54) the channel coefficient estimates c1, c2, c3 are estimated according to the mathematical expressions shown in col. 9, lines 41-54. The channel coefficient estimates c1, c2, c3 are estimated by dividing the scaled pilot despread values with a quantity. For example, c3 is estimated by dividing the scaled pilot despread value $Y_{106}Xp3$ with $l_0-K_{106}XE[|p3|^2]$. Therefore, the pilot despread values are clearly scaled before channel responses are estimated from the scaled pilot despread values.

(Examiner's Answer, pgs. 13-14, emphasis added). In particular, Bruckert recites that "[a]t step 261, the first plurality of **complex weighting coefficients c1, c2 and c3** are determined using the following equations". (Bruckert, Col. 9, lines 39-41, emphasis added). However, the referenced mathematical expression forms "**complex weighting coefficients c1, c2, and c3**", not "**channel coefficient estimates c1, c2, c3**" as stated by the Examiner. (Bruckert, Col. 9, lines 39-40). The Examiner cites to a wholly different second embodiment of Bruckert which has not been alleged to disclose the independent claims for support that the coefficients c_i ($i=1, 2, 3$) may be "channel coefficients". (Examiner's Answer, page 14). However, as to that second embodiment, Bruckert recites that "FIG. 3 illustrates a flowchart 300 describing a second embodiment for determining the first plurality of weighting coefficients c1, c2, and c3 in the mobile station 100 of FIG. 1." (Bruckert, Col. 11, lines 33-36, emphasis added). Accordingly, Appellant submits that Bruckert does not anticipate Claim 1 and the other pending claims.

III. CONCLUSION

In light of the above discussion, Appellant submits that each of the rejected claims is patentable over the Bruckert reference. Appellant, therefore, requests reversal of the pending rejections and passage of the present application to issue.

Respectfully submitted,



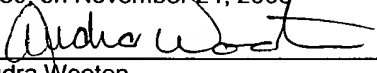
David K. Purks
Registration No. 40,133

In re: Bottomley
Serial No.: 09/204,734
Filed: December 3, 1998
Page 3 of 3

Myers Bigel Sibley & Sajovec
PO Box 37428
Raleigh NC 27627
Tel (919) 854-1400
Fax (919) 854-1401
Customer No.: 20792

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MS AF, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on November 24, 2003


Audra Wooten
Date of Signature: November 24, 2003